MYSORE ACT No. VI OF 1950.

THE MYSORE DRUGS (CONTROL) ACT, 1950.

(AS AMENDED BY ACT XXV OF 1952.)

(Received the assent of His Highness the Maharaja on the 1st day of April, 1950.)

An Act to provide for the control of the sale, supply and distribution of drugs.

WHEREAS it is expedient to provide for the control of the sale, supply and distribution of drugs; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Drugs (Control) Act, 1950. Short title, extent and commencement.

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

(3) It shall come into force at once.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Interpretation.

(*a*) "Controller of Civil Supplies" means a person appointed by the State Government as the Controller of Civil Supplies;

(*b*) "dealer" means a person carrying on, either personally or through any other person, the business of selling any drug, whether wholesale or retail;

(*c*) "drug" includes all medicines for internal or external use for human beings or animals, and all substances intended to be used for or in the treatment, mitigation or prevention of diseases in human beings or animals, other than medicines and substances exclusively used or prepared for use in accordance with the Ayurveda or Unani Systems of Medicine;

(*d*) "offer for sale" includes a reference to an intimation by a person of the price proposed by him for a sale of any drug, made by the publication of a price list, by exposing the drug for sale in association with a mark indicating price, by

1. See the Mysore Adaptation of Laws Order, 1958.

the furnishing of a quotation or otherwise howsoever;

(*e*) " producer " includes a manufacturer.

(2) A drug shall be deemed to be in the possession of a person—

(*i*) when it is held on behalf of that person by another person;

(*ii*) notwithstanding that it is mortgaged to another person.

Drugs to which this Act applies.

3. The State Government may, by notification in the *Mysore Gazette*, declare any drug to be a drug to which this Act shall apply.

Fixing of maximum prices and maximum quantities which may be held or sold.

4. (1) The State Government may, by notification in the *Mysore Gazette*, fix in respect of any drug—

(*a*) the maximum price or rate which may be charged by a dealer or producer;

(*b*) the maximum quantity which may at any one time be possessed by a dealer or producer;

(*c*) the maximum quantity which may in any one transaction be sold to any person.

(2) The prices or rates and the quantities fixed in respect of any drug under this section may be different in different localities or for different classes of dealers or producers.

Restrictions on sale, etc., where maximum is fixed under section 4.

5. No dealer or producer shall—

(*a*) sell, agree to sell or offer for sale or otherwise dispose of to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (*a*) of sub-section (1) of section 4;

(*b*) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (*b*) of sub-section (1) of section 4; or

(*c*) sell, agree to sell or offer for sale to any person in any one transaction a quantity of any drug exceeding the maximum fixed by notification under clause (*c*) of sub-section (1) of section 4.

General limitation on quantity which may be possessed at one time.

6. (1) No person shall have in his possession at any one time a greater quantity of any drug to which this section applies than the quantity necessary for his reasonable needs.

(2) This section shall apply only to such drugs as the Controller of Civil Supplies may, by order published in the *Mysore Gazette*, specify for the purpose:

Provided that nothing contained in this section shall apply to a dealer or producer in respect of any drug sold or produced by him.

Duty to declare possession of excess stocks.

7. Any person having in his possession a quantity of any drug exceeding that permitted by or under this Act shall forthwith report the fact to the Controller of Civil Supplies or other officer empowered in this behalf by the Controller of Civil Supplies, and shall take such action as to the storage, distribution or disposal of the excess quantity as the Controller of Civil Supplies may direct.

Refusal to sell.

8. No dealer or producer shall, unless previously authorised to do so by the Controller of Civil Supplies, without sufficient cause, refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act.

Explanation.—The possibility or expectation of obtaining a higher price for a drug at a later date shall not be deemed to be a sufficient cause for the purpose of this section.

Cash memorandum to be given of certain sales.

9. (1) Every dealer or producer when selling any drug for cash shall, if the amount of the purchase is five rupees or more, in all cases, and, if the amount of the purchase is less than five rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The Controller of Civil Supplies may, by notification in the *Mysore Gazette*, prescribe the particulars to be contained in any such cash memorandum.

(3) The Controller of Civil Supplies may, by notification in the *Mysore Gazette*, exempt specified areas, classes of dealers or producers, or classes of drugs from the operation of this section.

Marking of prices and exhibiting price list.

10. (1) The Controller of Civil Supplies may direct dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale, [1][and a statement of the quantities of such drugs in his possession] and may further give

1. Inserted by Act XXV of 1952.

directions as to the manner in which any such direction as aforesaid is to be carried out.

(2) No dealer shall destroy, efface or alter [1][or cause to be destroyed, effaced or altered] any label or mark affixed to a drug and indicating the price marked by a producer.

Obligation to state price separately on composite offer.

11. Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any drug and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to that drug, if he is required to do so by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell that drug at the price so stated.

Prohibition or regulation of the disposal of drugs.

[2][**12.** If in the opinion of the Controller of Civil Supplies, it is necessary or expedient so to do, he may by order in writing—

(*a*) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order;

(*b*) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order;

and make such further orders as appear to him to be necessary or expedient in connection with any order issued under this section.]

Penalties.

13. (1) Whoever contravenes any of the provisions of this Act or of any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of drugs in respect of which the offence was committed shall be forfeited to the Government.

(3) It shall not be a defence for a person charged with a contravention of any of the provisions of this section to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

1. Inserted by Act XXV of 1952.
2. Substituted by Act XXV of 1952.

Offences by corporations.

14. Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Procedure.

15. (1) No person other than a police officer of or above the rank of an Inspector of Police or an officer not below the rank of an Inspector of Police authorised in this behalf by the State Government, by notification in the *Mysore Gazette*, shall investigate any offence under this Act.

(2) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the District Magistrate.

Powers of search and seizure.

16. Any person competent to investigate any offence under this Act and any officer not below the rank of an Assistant Inspector of Civil Supplies authorised in this behalf by the Controller of Civil Supplies may search any place in which he has reason to believe that an offence under this Act has been, or is being committed, and take possession of any stock of drugs in respect of which the offence has been or is being committed [1][and the provisions of the Code of Criminal Procedure 1898 (Central Act V of 1898), shall, so far as may be applicable, apply to any search or seizure under this Act, as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code.]

Power to make rules.

17. (1) The State Government may, by notification in the *Mysore Gazette*, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

(*a*) the maintenance by dealers and producers generally, or by any dealer or producer in particular, of records of all sale and purchase transactions made by them;

(*b*) the furnishing of any information as may be required with respect to the business carried on by any dealer or producer;

1. Added by Act XXV of 1952.

(*c*) the inspection of any books of account or other documents belonging to or under the control of any dealer or producer;

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Protection of action taken in good faith.

18. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Saving of other laws.

19. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Repeal and savings.

20. The Mysore Drugs (Control) (Emergency) Act, 1949, (LXVIII of 1949), is hereby repealed. But any rules made, any thing done and any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been made, done or taken, in exercise of the powers conferred by or under this Act, as if this Act had commenced on the second day of October, 1949.

1. Clause (d) of sub-section (2) of section 17 omitted by Act XXV of 1952.